

THE
SOVERAIGNTY
OF THE
BRITISH SEAS.

Proved by
Records, History,
AND THE
MUNICIPAL LAWS
Of this
K I N G D O M.

By that Learned Knight,
S^r JOHN BOROUGHS,
Keeper of the RECORDS
IN THE
TOWER of LONDON.

L O N D O N,

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TO THE READER.

BE not startled to see so great a Subject handled in so small a Volume. When you have read but a little of this little, you'll think the Author was tender of your trouble but not of his own. For (how cheap soever you come by this Book) it cost the Author the perusal and search of the best, and most Records of our Nation. And yet he was one that knew well enough how to value his time; for none made better use of it; and (in these kinds of Scrutinies) you may believe he went the best way, because he knew them all, and trod them every day; it being his Office not to be ignorant of any Records that concern the Honour or Antiquity of this Island. It was written at the request of a great Person, who desir'd to understand the true State of the Question, concerning the Dominion of the British Seas, as well what Histories as our own Records would afford. And here 'tis done in a little room; for the Author was able to speak fully, and briefly both at once. Some others have written of the same Subject; and if we thought any spake more, or so much, in so short compass, we should forbear the publication of this. We are born in an Island, and cannot go out of it without asking leave of the Sea and Wind; and not to know what Right we have to that Water which divides us from all the World, is something ill becoming such as

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can read, and may know for reading. The Title is not too big for the Book, though one of the greatest Ships of the World was called by the same name; and (if some knowing Persons be not deceiv'd) our Author was the first that hinted it, having written this Disconrse three Years before that famous Vessel was built.

Farewell.

THE

THE SOVERAIGNTY OF THE Seas of England.

That Princes may have an exclusive Property in the Sovereignty of the several parts of the Sea, and in the passage, fishing and shores thereof, is so evidently true by way of fact, as no Man that is not desperately impudent can deny it. And for the point of Right, though some of late have indeavoured, by way of Argument, to prove the contrary, affirming them to be not only publick, but common; yet the notorious practise of all Maritime Countries, the necessity of Order in mutual Commerce, and the safety of Mens Persons, Goods and Lives, had taught even the most barbarous Nations to know by the light of humane Reason, that Laws are as equally necessary for the Government, and preservation of such as frequent the Seas, as of those that trade and negotiate on the firm Land. And that to make Laws, and to give them the Life of Execution must of necessity require a Supream Authority, for to leave every part of the Sea and Shores to an arbitrary and promiscuous use, with a correcting and securing power in case of wrong or danger, is to make Men of the like condition with the fishes that live therein, of which the greater do usually devour and swallow the less.

I conceive therefore that Princes do entertain these School Problems and Criticisms no otherwise then with contempt and scorn, much disdaining to be wrangled out of the ancient Rights and Regalities annexed to their Crowns by the subtile Arguments of Wit and Sophistry, specially considering that amongst the Civil Lawyers themselves there is so great diversity of Opinion, whilst some peremptorily maintain, That *Mare & littora maris jure Gentium sunt communia*. Others as confidently saying, *Videmus de jure Gentium in mare esse distincta dominia sicut in terra*. And further, *mare ipsum ad centum usque millaria pro territorio districtuque illius Regionis ovi proxim. appropinquat assignatur*: With many other like alterations diameter-wise contradictory the one to the other; And therefore the Question being nor as yet resolved amongst themselves, it were strange to think that Princes in the mean time will relinquish the Possession of those Royalties which they and their Ancestors have held beyond all memory, without a Judgement first agreed upon, and affirmed in the case. And for his sacred Majesty our dread Sovereign Lord the King, such is his clear and indubitable Right to the Superiority of the Seas of *England* derived and confirmed upon him by immemorable Prescription, and continued in Possession even until this very year 1633. that the hearts and consciences of all just Men must necessarily subscribe to the evident truth thereof. But if contrary-wise any shall presume and go about actually to dispossess his Majesty of this his undoubted Birthright, or usurpe upon his Sovereignty in a case so highly concerning his honour and safety, as well of his own Kingdoms and Subjects, as of other Nations that under the wing of his Protection do pass those Seas, his Majesty (no doubt) will never be unprovided of a good Sword to vindicate that Right which all his Royal Progenitors have carefully main-

Grotius de
Mari libero.

Baldus ad L.
de rerum do-
minis.

Bartbol. in
Tract. de Insul.

maintained, the Laws and Customs of this Kingdom have ratified and confirmed, and forreign Nations have freely acknowledged; as by the subsequent Monuments of Record, History, and the Common Laws of the Land will evidently appear.

When *Julius Cæsar* first undertook the Invasion of this our Isle of *Brittain*, he found the neighbouring Nation of the *Gaules* in a manner altogether ignorant of the Island it self, the condition of the Inhabitants their Town, Havens, and approaches, *Quæ omnia fere Gallis erant incognita, neque enim temere præter mercatores adit ad illos quisquam neque eis ipsis quidquam præter oram Maritimam atq; eas Regiones que sunt contra Galliam notum est.* So are the words of *Cæsar* whereby it appeareth that the Britains kept off all Strangers, except Merchants, from approaching their Confines, and that those Merchants in their access were restrained to the Shore only, that lay opposite to the *Gaules*, without being suffered to make further discoveries of the more remote Coasts. Inasmuch that the same *Cæsar* upon diligent examination of those Merchants,

Comment. de bello Gal. lib. 1. fol. 72. m. 8.

Ibidem.

Neque quanta esset Insulæ magnitudo, neque quæ, & quantæ Nationes incoherent, neque, quem usum belli haberent, aut quibus institutis uterentur, neque qui essent ad majorum navium multitudinem idonei portus reperire poterat. Which restraint of Strangers they could not otherwise make good but by the goodness and greatness of their Shipping, as may be gathered by the words of the same *Cæsar* afterwards used. For though the Britains for ordinary employment, and Rivers, and upon the Coasts near the main, had Ships composed of mean stuff, having their Keels and Ribs made of slight Timber, and the rest of the Hull rooven up with Osyers covered with leather. *Carinæ primum ac statumina ex levi materia fiebant, reliquum corpus navium viminibus contextum coriis tegebatur:* From whence *Cæsar* took his Pattern of those Ships which he was forced to frame on the sudden for passing his Army over the River near *Ilarda* in *Spain*, without which he had utterly lost both it, and himself, yet had they, and their Confederates other shipping of so great bulk and strength, and withal so serviceable in fight at Sea, that *Cæsar* in their description preferreth them far before those of the *Romans*; for in the Naval preparations made by the *Gaules* of *Venice*, near the mouth of the River *Loye* (wherein he expressly saith, that they had (*Auxilia*) supplies from the opposite part of *Brittain*) he setteth forth their Ships in such manner as (considering the time) may justly move admiration. *Ipsorum Navis* (saith he) *ad hunc modum factæ armatæque erant. Carinæ aliquanto planiores quam nostrarum Navium, quo facilius vada, ac decessum æstas exceperere possent, Proræ admodum erectæ, atque item puppes ad magnitudinem fluctuum, tempestatumque accommodatæ Navis totæ factæ ex robore, &c.* And again, *Neque enim his nostræ rostro nocere poterant, tanta erat firmitudo, neque propter altitudinem facile telum adhibebatur. Et eadem de causa minus commode scopulis continebantur. Accedebant ut cum sævire ventus cæpisset & se vento dedissent, & tempestatem ferrent facilius & in vadis considerent tutius & ab æstu derelicta nihil saxa, & cantestimerent.* And presently after, *circiter cccx. Navis eorum paratissimæ, atque omni genere armorum ornatissimæ è portu profectæ nostris adversæ constiterunt. Neque satis Bruto qui classi præerat, Neque Tribunis militum, Centurionibusq; quibus singulæ naves erant attributæ constabat, quid agerent aut quam rationem pugnæ institerent, Rostrium enim non posse cognoverant, turbibus artem excitatis, tamen hæc alitudo puppium ex barbaris navibus superabat, ut neque ex inferiori loco satis commode tela adjici possent, & missa à Gallis gravius acciderent.* And that the Britains not only at this time, but in most of those Wars of the *Gaules*, did send them aids and supplies against the *Romans*, the words of *Cæsar* evidently declare, who intending to invade their Country, pretended no other Quarrel then, *Quod omnibus fere Gallicis hostibus nostris inde subministrata auxilia intelligebat.*

De bello Civil. lib. 1. p. 233.

De bello Gallico. lib. 3. p. 55.

Ibidem.

De bello Gall. lib. 4.

Yet these three Confederates and Neighbours the *Gaules* they permitted not freely to pass the British Seas, but kept them from knowing so much as their opposite Coasts, save only by way of Trade and Merchandize. And this to certain appointed places near the Sea-shoares where the known Marts and Staples were appointed for Commerce and Traffick.

By all which it manifestly appeareth that before the Roman Conquest, the British

tish Nation had the Supream Power and Command of their own Seas without the competition of any other Nation whatsoever.

So likewise when the Romans had made themselves possessory Lords of the Island, and the Sovereignty of the Seas thereunto belonging was in them, and accordingly continued and was maintained, without incroachment, or pretence of Title thereunto made by the other. But when the Civil Wars and Distraction of the Roman Empire had by exhausting of the Flower of the Brittain Youth, so much ineebled the Nation, as inforced them to call in the Saxons to their aid against the Picts their insolent Neighbours, and for suppressing the national Factions grown up amongst themselves, and those Saxons (working upon the weaknes of the Britains) had expelled them from the better parts of the Kingdom, though for a time they were diverted from settling their own Affairs by the powerful Invasions of the Danes and their homebred Quarrels, grown by reason of the several petty Kingdoms of their Heptarchy; yet when they were all reduced under one head, they forgot not to assume their Right of Sovereignty in the Seas of England. As did the most noble Edgar, who in the glorious Title of his Charters, yet extant of those times, speaketh as followeth.

Altitonantis Dei largiflua clementia, qui est Rex Regum. Ego Edgarus Anglorum Basileus omnium que rerum Insularum Oceani quæ Britanniam circumjacent, cunctarumque Nationum, quæ infra eam includuntur Imperator & dominus, &c.

And for maintenance of this his Sovereignty, he continually kept in readiness a Navy of four hundred Ships, which being divided into four several Fleets of one hundred Ships a piece, did every year after Easter take their course to the four quarters of England, where they remained to guard, and scowre the Seas until Winter following. So saith *Ranulphus Cestrensis*. *Item quoque Edgarus 400 Naves congregavit ex quibus omni anno post festum Paschale, 100 Naves ad quamlibet Angliæ partem statuit, sic æstate Insulam circum navigavit, hyeme vero indicia in Provincia exercuit.*

Ranulphus Cestrensis.

Etheldred after *Edgar* for defence of the Seas and Kingdoms, caused of every three hundred and ten hides of Land a Ship to be built, which meeting at *Sandwich*, made the greatest Navy that ever this Kingdom set forth to Sea.

And *Canutus* the Dean, coming not long after to be King first of half the Realm by composition between him and *Edmond Ironside*, and after the Death of *Edmond* of the whole Survivorship did for his own time (as his Successors of the Danish Race after him) preserve the Seas of the Kingdom in their former estate, without admitting any the Neighbour Princes to have any Dominion in any part thereof.

And so they remained in the time of the Confessor until the Conquest made by *William* Duke of *Normandy*, in whose Reign, and for many descents after him, the Sovereignty of the said Seas was so far from being evicted, that it was never so much as questioned by any Nation until the time of *Edward* the First, about the year 1299. and the six and twentieth of his Reign. At which time the King of *France* being upon Terms of Hostility with those of *Flanders*, did by his Commission constitute one *Reyner Grimbald* Admiral of his Navy, which he then sent forth against the *Flemmings*; by vertue of which Commission, *Grimbald* in passing to and again in the Seas of *England*, took upon him Sovereign Jurisdiction, as Admiral unto the French King in those Seas, taking the people, and Merchants of *England*, and other Nations; and carrying them into *France*, where he caused them to abide his Judgment and Award concerning their Goods and Merchandise; But shortly after the Kings of *England* and of *France* appointed by agreement certain Commissioners (termed Auditors in the Record) to hear, and redress the Wrongs interchangeably done by their Subjects contrary to the Peace formerly made between them at *Paris*, before which the Commissioners, the Agents (or Procurators, as the Record nameth them) for the Maritime Coasts of the greatest part of the Christian World, of *Genoa*, *Spain*, *Germany*, *Holland*, *Zealand*, *Friezeland*, *Denmark* and *Norway*, made this remarkable Acknowledgment and Declaration following, which out of the old French of that time I have rendred into English, the Title whereof is thus in Latin.

De

Record in the
Tower of
London.

To our Lords Auditors deputed by the Kings of *England* and of *France*, to redress the Damages done to the people of their Kingdoms, and of other Territories subject to their Dominions by Sea and by Land, in time of Peace and Truce.

The Procurators of the Prelates, Nobles, and Admiral of the Sea of *England*, and of the Comminalties of Cities and Towns, and of Merchants, Mariners, Messengers, Pilgrims, and of all other of the said Kingdom of *England*, and the Territories subject to the Dominions of the said King of *England*, and of other places, as of the Sea-coasts of *Genoa*, *Cataloigna*, *Spain*, *Alemaigne*, *Zealand*, *Holland*, *Freeland*, *Denmark* and *Norway*, and of divers other places of the Empire, do shew, That, whereas the Kings of *England*, by reason of the said Kingdom from time whereof there is no memory to the contrary, have been in peaceable Possession of the Dominion of the Sea of *England*, and of the Isles being in the same, in making and establishing Laws and Statutes, and Restraints of Arms, and of Ships, otherwise furnished then to Ships of Merchandise appertaineth, and in taking Surety, and affording Safeguard in all cases where need shall be, in ordering of all other things necessary for maintaining of Peace, Right and Equity, amongst all manner of people, as well of other Dominions as of their own, passing through the said Seas, and the Sovereign Guard thereof, and in doing Justice, Right and Law, according to the said Laws, Ordinances and Restraints, and in all other things which may appertain to the exercise of Sovereign Dominion in the places aforesaid. And *A. de B.* Admiral of the Sea deputed by the King of *England*, and all other Admirals ordained by the said King of *England*, had been in peaceable Possession of the Sovereign Guard, with the Cognizance of Justice, and all other the appurtenances aforesaid, except in case of Appeal, and of Complaint made of them to their Sovereigns the Kings of *England* in default of Justice, and for evil Judgment, and especially in making Restraints, doing of Justice, and taking Surety of the Peace of all manner of people using Arms in the said Sea, and carrying Ships otherwise furnished, and set forth then to Merchants Ships appertaineth, and in all other points where a Man may have reasonable cause to suspect them of Robbery, or of other Misdemeanours. And whereas the Masters of the Ships of the said Kingdom of *England* in the absence of the said Admiral hath been in peaceable Possession of taking Cognizance, and judging all Actions done in the said Sea, between all manner of people according to the said Laws, Statutes, Restraints and Customs. And whereas in the said first Article of Confederation lately made between the said Kings in the Treaty upon the last Peace at *Paris*, are comprised the words which follow in a Schedule annexed to these presents. First it is estreated, and accorded between us, and the Messengers and Procurators aforesaid, in the Names of the said Kings. That the said Kings shall from this time forward be one to the other Good, True and Loyal Friends, and aiding against all Men (save the Church of *Rome*) in such manner, as if any one, or more whatsoever they be, would disinheret, hinder or molest the said Kings in the Franchises, Liberties, Priviledges, Rights, Duties, Customs of them and of their Kingdoms, they shall be Good and Loyal Friends, and aiding against all Men that may live and dye to defend, keep and maintain the Franchises, Liberties, Priviledges, Rights, Duties and Customs aforesaid, except to the King of *England*, Monsieur *John*, Duke of *Brabant* in *Brabant*, and his Heirs descended of him, and of the Daughter of the King of *England*, and except to our foresaid Lord the King of *France*, the excellent Prince Monsieur *Dubart*, King of *Almaigne*, and Monsieur *John*, Earl of *Anbault* in *Anbault*, and that the one shall not be of Counsell, or aiding where the other may lose Life, Member, Estate or temporal Honour, Monsieur *Reyner Grimbold*, Master of the said Navy of the said King of *France*, who Names himself Admiral of the said Sea, deputed by his Lord aforesaid, in his War against the *Flemmings*, after the said Confederation made and established, and against the Form and Force of the said Con-

Confederation, and the intention of them that made it, wrongfully assumed the Office of the Admiralty in the said Sea of *England*, by the commission of the King of *France*, and used the same one Year, and more; taking the people and Merchants of the Kingdom *England*, and of other places passing through the said Sea with their Goods, and delivered the people, so taken to the Prison of the said Lord the King of *France*, in the Ports of his said Kingdom, as to him forfeited and acrewing. And the taking, and detaining of the said people with their said Goods, and Merchandise, as also his said judgment and award, hath justified before the Lords Auditors in writing, by verue of the Authority of his said Commission, of the Admiralty aforesaid by himself usurped, and during a restraint generally made by the King of *England*, by reason of his power, and according to the form of their Articles of the Confederation aforesaid, which containeth the words underwritten, requiring that he might be acquitted, and absolved of the same to the great Damage and Prejudice of the King of *England*; the Prelates, Nobles, and others abovenamed.

Wherefore the said procurators in the names of their said Lords, do pray your Lordships Auditors aforesaid, that you cause due, and speedy delivery of the said people, with their Goods and Merchandise so taken and detained, to be made to be made to the Admiral of the said King of *England*, to whom the Cognizance of the same of right appertaineth (as is before expressed.) So that without the disturbance of you, or any other, he may take Cognizance thereof, and to do that which appertaineth to his office aforesaid. And the said *Mounseieur Reyner Grimbald* be condemned, and constrained to make satisfaction to all the said parties damnified, so far forth as he shall be able, and in his default, his said Lord the King of *France*, by whom he was deputed in the said Office; And that after due satisfaction made to the parties damnified the said *Mounseieur Reyner*, be so duly punished for the violation of the said confederation, that his punishment may be an example to others in time to come.

In the Record these memorable points are to be observed.

First, That the Kings of *England* had then been in Peaceable possession of the said Dominion, of the said Sea of *England*, by immemorable prescription.

Secondly, That the Sovereignty belonged unto them, not because they were *Dominii utriusque ripæ*, as when they had both *England* and *Normandy*, and so were Lords of both Shoars. For *Edward* the First at this time had not *Normandy*, but that is inseparably appendant and annexed unto the Kingdom of *England*, our Kings being Superior Lords of the said Sea, by reason (as the said Record speaketh) of the said Kingdoms.

Thirdly, Only the Kings of *England* had power to make Laws, and exercise Supreme Jurisdiction over all persons, and in all causes within the said Sea, and in their absence to the Masters of their said Ships only appertaineth.

Fourthly, That the King of *France* could not make an Admiral in that Sea, without doing wrong to the King of *England*, but that it was an Usurpation upon his Right.

Lastly, That all this was affirmed, and acknowledged by the Agents of most part of Christendom, being strangers to the Crown of *England*.

Surely I believe no Prince in the World can produce clearer evidence for any part of his Estate, then the King of *England* by this Record can do, for his Sovereignty; and exclusive Jurisdiction in the Sea of *England*. Yet for further declaration hereof, I will add certain others of succeeding times, in affirmance of that above mentioned.

The first whereof is that of King *Edward* the III. being an Article amongst others, upon which the King's Justices were to be advised with all the Title of the Record, being as followeth.

B

Articuli

Articuli Super quibus Justiciarii Domini nostri Regis sunt consulendi.

Item ad finem quod resumatur, & continuetur ad subditorum prosecutionem forma procedendi, quondam ordinata & inchoata per Avum Dominum nostrum Regis, & ejus Concilium ad restituendum, & conservandum antiquam superioritatem Maris Angliæ, & juxta officii Admirallatus in eodem, quod corrigendum leges & Statuta per ejus Antecessores Angliæ Reges dum ordinata, ad conservandum pacem & justitiam inter omnes Gentes Nationes cujuscunque per mare Angliæ transcentes, & ad cognoscendum super omnibus in contrarium attemptatis in eodem, & ad puniendum delinquentes & damna parti satisfaciendum. Quæ quidem leges, & statuta per Dominum Richardum quondam Regem Angliæ in redditu suo à terra sancta correctæ fuerunt interpretata, declarata & Insula de Olleron publicata & nominata in Gallica lingua. Lay loy Olleron.

In this Record (as in the former) the Antient Right of the King of England's Superiority, in the Seas of England, and the large extent thereof is clearly specified, but especially in the conclusion we may observe to the great Glory of our English Nation, that the famous Laws of Oleron (which after the Rhodiàn Laws were antiquated and absolete) have now well near 500 years been received by all the Christian World, for regulating Sea affairs, and deciding Maritime controversies, were first declared by King Richard the I. (a King of England) at his return from the Holy Land, and by him caused to be published in the Isle of Oleron, then belonging to the Dutchy of Aquitane; and thereupon, and from that Island took their name, which they yet retain, and this is the more worthy of note, because until this Record (being lately found) was produced, the most Learned Lawyers, and Antiquaries of our times were altogether ignorant by whom those Laws were ordained, and why they were so called. To the same purpose and effect is this original in French, but expressed here in English.

*Record Regis in
Tower.*

Item, To the end that having seen and considered the forms of Proceeding and Letters, ordained by the Council of our said Lord (Grandfather to the King) for them, and the said Nation of England, to recover and retain the said Subjects Assistants and Allies; and to cause redress to be made unto them, for all Damages done to them on Sea and Land, during the said Truce, Peace, and Confederation, and against the form of the same, by the said French their Assistants and Allies, and to shew the clamour of the people for the said Disinheritance, and the Damages which by reason of such clamour might happen, and especially to retain the Sovereignty, which his Ancestors the Kings of England used to have in the said Sea of England, as touching the Antient Declaration and Interpretation of Laws, by them made to Govern all manner of people passing through the said Sea. And first, to his Admiral, and Masters, and Mariners of the Ships of the Cinque-Ports of England, and of all other Lands annexed to the Crown of England, belonging to his Army in the said Sea, the like forms of Proceedings and Letters be henceforth observed, with all such amendment as may be ordained by the said Councils of our said Lord the King to the Profit, and Honour of him.

And moreover the Record following, sheweth how much that Great King Edw. the 3. held himself in Honor bound not to suffer the Dominion of the Sea to be lost, or impaired in his time, but especially we are in it to observe that the Kings of England were anciently, as now, *Domini Anglicani circumquaque.* Lords of the Seas environing England, for so the words of the Record are.

Rex dilecto, & fideli suo Galfrido de Say. Admirallo flotæ suæ navium ab ore aquæ Thamisiæ, versus partes Occidentales salutem. Cum nuper nos animadvertentes quod Progenitores nostrum Reges Angliæ, Domini Maris Anglicani circumquaque, & etiam defensores contra hostium invasiones ante hæc tempora extiterunt. Et plurimum nos æderet si honor noster regius in defensione hujusmodi armis (quod absit) deperat temporibus nostris, aut in aliquo minuat, &c. Mandamus vobis quod statim visis presentibus

Et absque ulteriori dilatione navis portuum prædictorum Et alias naves, que jam paratæ existunt super mare teneatis.

And first, to the practick proof of this Dominion, and Superiority in all succeeding times, what can be more pertinent, and material then to shew.

That the Kings of England, Successively have had the Sovereign guard of the Seas.

That they have imposed Taxes and Tributes, upon all Ships passing and Fishing therein.

That they have stoped, and opened the passage thereof, to strangers as they saw cause.

That all Wrecks and Royal Fishes therein found, are originally due, and do belong unto them.

Every of which particulars, the Testimonies following will amply manifest.

As touching therefore the guard of the Seas. It is apparent by the Records of Parliament, and by the printed Books of Statutes, that Tomage and Poundage were granted; as for other Reasons, so especially, and all ways for enabling the King to guard the Seas. And accordingly divers Admirals from time to time, were constituted by Commission for that purpose, of which there are multitudes of pre-fidents upon Records. It may suffice to insert this one instead of many.

Rex Charissimo consanguineo suo Henrico Duci Exoniæ salutem. Sciatis cum nos, &c. retinuerimus vos sub certis modis Et forma ad proficiendum in servitio nostro supra Mare super custodia ejusdem, &c. Ordinavimus Et assignavimus vos, Et vobis tenere presentium plenam, Et sufficientem committimus Et damus potestatem Et auctoritatem generalem Et specialem ad proficiscendum supra mare cum retinentia vestra Piratasque Et Spoliatores, Mercatorum, Et Piscatorum tam Anglorum, quam extraneorum cum eorum Navibus, Et capiend. Et arrestand. Et eos juxta casus Et juris exigentiam similiter castigand. &c.

And to this purpose we find frequent Protections granted, to such of the Subjects as were in service with their Admirals, As to Thomas Warren of Bristol, qui in obsequium Regis in comitiva dilecti Et fidelis consanguinei Johannis Comitum Wigorum unius custodum Maris super salva custodia Et defensionem ejusdem Maris moratur.

So likewise unto John Warde, qui in obsequio Regis in comitiva dilecti, Et fidelis consanguinei nostri Richardi comitis Sarum unius custodum Maris super salva custodia Et defensione ejusdem profecturus est.

And the like to Richard Clarke, qui in Regis obsequio in comitiva dilecti Et fidelis consanguinei Regis Johannis comitis Oxoniæ unius custodum maris super salva custodia Et defensione ejusdem moratur.

I shall not need to speak any more of elder times, for declaration of this point, since our own memories can testifie, that divers Ships have been sent forth by our Sovereigns, at sundry times upon the like imployment, besides those that have constantly kept the Narrow Seas, unto which all Strangers even at this day vaile Bonnet in acknowledgment of this Superiority, according to this Ordinance made by King John many hundred years past, worthy to be remembred and observed, which out of the Old French I have here verbatim translated into English.

Item, It was ordained at Hastings for a Law and Custom of the Sea, in the second Year of the Reign of King John, by the advice of the Lords Temporal, That if a Lieuutenant in any Voyage, being ordained by Common Council of the Kingdom, do incounter upon the Sea any Ships or Vessels laden, or unladen, that will not strike and veile their Bonnets at the commandment of the Lieuutenant of the King, or of the Admiral of the King, or his Lieuutenant, but will fight against them of the Fleet, that if they can be taken, they be reputed as Enemies, and their Ships, Vessels, and Goods taken, and forfeited as the Goods of Enemies, although the Masters or Possessors of the same would come afterwards and alledge, that they are the Ships, Vessels, and Goods of those that are Friends to our Lord the King, and that the common people being in the same, be chastised by imprisonment of their Bodies for their Rebellion, by discretion.

Inter leges marinas sub fine.

Concerning Taxes, and Tributes imposed upon Ships passing, and Fishing upon our Seas and Coasts; it will be proper in the first place, to set down the Ordinance made in the second Year of *Richard the second*, by the assent of the whole Estate in the Parliament, which upon the Roll of that Year is Recorded in these words.

Ordinance et grant per l'advise des Merchants de Londres et des autres Merchants vers le North per assent de tous les Commons de Parliament per devant le Countes de Northumberland et le Mayor de Londres pour le guard de mere et costs de Admiral des North aux deux niefs.

Primerment par prender de chacune neif et Crayer de quelque passage que passe per la mere le dit Admirall alant et retournant par le voyage de chacune Tonne tight vjd.

Iten de prendre des autres neifs et vesseaux peffioners et passon entour autres poissonniers sur le me re deins le dit Admiralty de quelle portage quil soit en troys Semaines de chacune Tomne tight : vjd.

Iten de toutes autres neifs Crays & vesseaux passantes per mere deins le de Admiralty charges ove biens de Merchants in Expreux on en Northway on en Sion Ga de chacune Tomne tight vj.d.

In which Ordinance of Parliament we may plainly observe, that these payments were imposed upon all Ships, Passengers, as well as Fishers within those Seas. And to the like purpose is this of *Edward the fourth*.

Par. 22.E. 4.
part 1. in 2. de
conductu sive
garia Wastor-
um piscato-
rum.

Rex dilectis & fidelibus Johanni Henningham militi Willo Hopton, Edv. Ynce, & Johanni Wamflet; salutem Sciatis, quod cum nos pro securitate Subditorum; nostrorum comitatum Northhampt. & Southhampt. quam Navium, & Piscatorum qui super mare per Costeras eorundem Comitatum piscari voluerunt sub conductu & salva guarda dilectorum & fidelium nostrorum Edw. Ynce, Johannis Dabey, unius valedictorum Coronæ et Will. Thederston, quos custodes, conductores, et Wastores pro securitate dilectorum Piscatorum versus inimicos nostros, super mare existentes ad presens ordinavimus de fidelitate, et provida circumspectione vestris plenius confidentes, assignavimus vos conjunctim, et divisim, ac vobis plenam potestatem et auctoritatem tenere presentium damus et committimus tam ad custodes, conductores, et Wastores illos supervivendum, quam ad communicandum cum quibusdam Piratoribus cujuscunque patriæ fuerint qui in partibus prædictis sub securitate dictorum, Edmundi Ynce, Johannis Daby, et Will. Federston piscari voluerint. Quod ipsi piscatores et eorum quilibet ad omnia, et omni-moda costas onera et expensas eisdem custodibus conductoribus et wastoribus presentium sint tempore piscationum contributores ad hujusmodi costas, onera, & expensas illa de hujusmodi piscationibus, piscatorum prædictorum ubicunque inuenire poterunt levandum et colligendum. Nec non ad omnes alios fore custodes, conductores, sive wastores alios, quam prenomi-natos presumes, vel attemptantes arrestandi et capiendi & prox. Goalæ nostræ committendum ibidem salvo, et secure, quousque eorundem deliberatione ordinavimus custodiendum, simili-ter auctoritatem et potestatem damus et committimus. Et ideo vobis et cuilibet vestrum mandamus quod circa præmissa diligenter intendatis ut ea faciatis et exequamini in forma prædicta.

In this Record is manifestly exprest that the King appointed wasters to guard the Fishers, not only of his own Realm but Foreiners and Strangers that Fish upon his Coasts, and that the wasters took a rateable proportion of every Ship towards their Cost and Expences, in securing their Fishing. And lastly, that these wasters were to prohibit all other wasters whatsoever, that presumed to take that Office upon them, and to commit them to Prison, there to attend the Kings pleasure.

Camdens Brit.

To this effect the venerable *Camden* in his description of the North-riding of *Tork-shire*, saith, that the *Hollanders*, in their Fishing for Herring upon the North Coasts of *England*, did first obtain License of *Scarborough Castle* for to do.

But that which is most material to the Sovereign command, and propriety of our King in this point of Fishing, especially appeareth in that all Neighbour Princes have by Treaty obtained Licence for their Subjects to Fish in our Seas. As in a Truce, and abstinence of War agreed between *Henry the fourth* and the *French*, to the intent the Fishermen might Fish in all parts, the King sent forth his Letters, as followeth.

Le

Le Roy au toutz nous Admiralls & a fin qu'en cest present herringinon les poissonniers de l'un pertie, & de l'auter puissoint pesheure plus senrement in le mere les Herrings, & toutes autres poissons entre le haven de Scarborough, & de fin de pays de Flanders vers le East & dislonques sur le coast de Angleterre insanes au haven de Southampton & sur le coast du Royanne de France de le dit fin de tout le dit pays de Flanders niques a riviere de Sound, sc. vonlomis & avomus ordonne & onstre ordonnoms ottryons per les presents ; Que tous les poissonniers de la dite partie de France poissoynt pesher seuirement les herrens & toutz autres pessons durant cest herriognison & niques au primer jour de Januarie prochainement a vener & denis & entre les bounds dessus limites.

The like liberty was granted by Treaty between Henry the 6th and the Duches of Burgundy, to those of Brabant and Flanders, witnessed by the Record following.

Rex omnibus ad quos, &c. Inspeximus quasdam continuationem, prorogationem, & elargitionem nuper facta super facto intercur sus, & commutationis Merchandiz et Piscarie maris et aliarum rerum necessarium ad utilitarem communem nostrorum regni Angliæ domini et Hiberniæ et villæ Caliciæ ex una parte, et Ducatus Comitatus patriæ Brabantia, Flandra, et Domini villæ Machlinæ ex altere parte. Amongst other Articles this is one.

Item et tous pecheurs tam de Angleterre Ireland, et Calais peaceablement aller partent sur le mer pur pischer et gagner leur venore sans impeachment on disturber de l'une partie on de l'auter.

So in a Truce to endure for thirty Years, between the King of England and his Heirs on the one Party, and the Duke of Burgundy and his Heirs on the other Part. One Article is.

Item et tous pecheurs tam D'angleter quam d'Ireland et de Calais sicome de pais de Mon Sur le Duke quelqueles soyent purront peaceablement aller par tout sur le mer pur pescher, et Sans et leur soit besaigne sur ceo requirer on obtitiner asc licence conge on sans conduict, &c.

The like in a Truce, and Abstinence of War, to endure the space of thirty Years, between Edward the fourth and his Heirs on the one Part, and Francis Duke of Britain on the other Part, where one Article is.

Item et tous, pescheurs tam D'anglter sicome du dit pais et Duche de Britaigne quelqueles soyent purront peaceablement aller par tout sur mer pur pescher, et gagner leur uniure sans impeachment on disturber del'une partie au de l'auter et sans et leur soit besaigne sur ceo requirer sans conduict.

Moreover, Philip the second, King of Spain, in the first Year of Queen Mary, obtained license for his Subjects to Fish upon the North Coast of Ireland, for the term of one and twenty Years, paying Yearly for the same a Thousand pound, which was accordingly brought into the Exchequer of Ireland, and received of Sir Henry Fitton, being then Treasurer there, as his Son Sir Edward Fitton hath often testified.

To conclude this point ; It is notorious, that at this day the King of France (as others of his Predecessors have done) by the special License of the King of England, Fisheth upon our Coasts near Rye, with a set, and limited number of small Boats, and that only for Provision of his own Household, being tied to observe the Orders and Laws of his own Fishermen ; for breach whereof divers of his Subjects of late Years have been taken and imprisoned in Dover Castle, and elsewhere.

Nor doth the King of England in these particulars claim, or use any exorbitant Jurisdictions, and differing from that of other States and Princes in like case, who generally give Aliens Laws to pass our Fish, in the Seas Coastling upon their Territories. And also impose Taxes and Tributes for their own profit and commodity.

The Emperour of Russia compelleth all Fishermen within the Seas, though it be many Leagues from the Main, to pay him Tribute.

In Scotland, and other Islands under the King of Swede, they are enforced to pay Taxes.

The King of Denmark at his Ward-house in the Sound, hath for a License a Dollar, and for the Seal or Rose, a Noble of every Ship, and for every last of Herrings, being twelve Barrels, a Dollar.

The Duke of Medina Sidonia in Spain, hath his greatest Revenues out of the Taxes laid upon Fishermen, for their fishing in Tourney.

All

Franc. 8. E. 4.

All Princes of *Italy*, bordering upon the Seas, receive a proportion of like benefit.

And the *Hollanders* themselves impose Taxes on the Fishes, taken by their own Fishermen in our Seas.

Now for the King of *Englands* Sovereignty, in opening and stopping the passage of his Seas, the Presidents of antient times imbarging, and staying, not only Pirates or Enemies, but Friends also that were suspected to trade with Enemies, or had done particular wrong to the *English* Subjects, or upon some other urgent occasion, or reason of State, are so frequent in Record of Story, that the transcribing and reading of a thing so generally known, would certainly be esteemed loss of time and labour.

I remember those of *Hamborough*, and other *Easterlings* (though in amity with us) in the late Reign of Queen *Elizabeth* of famous memory, were notwithstanding staid from passing through our Seas towards *Spain*; and good prize made of all other Nations that attempted to do the like, without licence first had and obtained from hence.

I will therefore only note, by the way, to this purpose; that Strangers being to pass through our Seas either in coming to us, or going to any other place, without so much as touching upon any of the King of *Englands* Countries, have used to take safe conducts, and licences of our Kings to secure them, and protect them in their passage, thereby acknowledging the right of their Superiority in this behalf in the Seas. Of which sort amongst many, the recital of these two shall suffice.

Franc. 11. H. 4.
de salvo con-
ductu.

Rex per literas suas patentes per triennium duraturas suscepit in saluum, et securum conductum suum, ac in protectionem, tuitionem et defensionem suas speciales Edw. Sygal et Opicinum Lomeline de Jean Mercatores cum bonis, et Merchandizis suis in quibusdam Bargis, Carakis, sive navibus in partibus Janus carcatis, et alibi cariandis ab iisdem partibus in Regnum, Dominum et potestatem nostra veniendum, et exinde ad portas suas proprias tam per terram quam per mare transeundo, et redeundo.

This was granted to certain Merchants coming with their Ships and Goods, out of *Italy* into *England*.

That which followeth, was to those which passed the Seas as well to other places, *ubicunque placuerit*, as this Kingdom.

Rot. Fran. 28.
H. 6. de salvo
conductu.

Rex per literas suas patentes de gratia sua speciali suscepit in saluum et securum conductum suum, ac in protectionem, tuitionem, et defensionem suas speciales Robertum Forrester, Rogerum de Clerk, Leonardum Blanch, & Johannem de Conwillis, Mercatores de Normania, et eorum quemlibet, ac factores, Attornatos, et servientes suos & quemlibet eorum in regnum Regis Angliæ, ac alia Dominia, Jurisdictiones et territoria Regis Angliæ quacunque vel alibi ubicunque eis placuerit cum una nave vocata le grace de Dieu de Roven, portage 90. Doliorum, vel infra unde Johannes de Bognas, Nundinas de Basher, Martinus Hunday, Johannes de Blanch, Johannes Massey, vel Wilielmus Emry, est Magister Quibusdam bonis vel Merchandizis carcata et cum 20. Marinariis, et uno pagetto vel infra pro gubernatione ejusdem Navis, nec non pro rebus hernefiis et aliis armaturis quibuscunque pro corporibus eorum; et pro defensione ejusdem navis necessariis et defensibilibus secum habendis, et ferendis.

It remaineth to shew that by reason of this Prerogative and Sovereignty, all manner of Wrecks, and Royal Fishes taken in our Seas are due unto the King of *England* only, or unto such unto whom by special Charters they have granted the same.

For manifestation hereof, although the known and continued practise might suffice, we are to take notice, that by the fundamental Laws of this Kingdom, the King shall have Wreck of the Sea, all Whales and Sturgions taken therein, with Porpoyses, and all other Royal Fishes: And for declaration of this Law, the Statute made 17 *Edw. 2.* concerning the Kings Prerogative, saith.

Stat. de Præog.
17. E. 2. cap. 11.

Item Rex habebit wreccum maris per totum regnum Balenas, et Sturgiones captas in mare, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.

So likewise Porpoyses are adjudged to belong unto the King, unless any man can claim the same by Charter, or Prescription, and accordingly in antient Charters granted by our Kings to particular places and persons, and among other liberties,

wreccum

wreccum maris is usually passed by special words, arguing the King's Sovereign Right and Power to dispose thereof at his pleasure, by vertue whereof, Wreck at this day is taken and enjoyed by many, as well Towns and Corporations, as private Men.

But for clear proof of the Right and Practice of this Sovereignty, the Record following is very remarkable, and not to be omitted.

In a Plea between *Peter de St. Cleere* the Abbat of *Cherbourg*, and *Godfrey de Carteret*, Attorney for the Prior (the Name of the Monastery is worn out of the Record) concerning 2 Tuns of Wine found by certain Mariners in *alto Mari*, and by them brought to Land through certain places, where the said parties claimed to have liberty of Wreck. After long debate, and full hearing of the Case recited at length in the Record, the Conclusion and Judgment is as followeth.

Et Willielmus de Marciis qui sequitur pro Domino Rege dicit quod nullus eorum petere potest prædicta vina & wreccum, quia dicit quod ea tantummodo sunt wreccum, quæ fluctus Maris projiciunt ad terram vel infra portum, vel tam prope terram quod astantibus in terra possint pendendi, & sic ducantur, vel trahantur ad portum, & ea, quæ reperta sunt in alto Mari unde wreccum non existit, quod fluctus Maris ea vellent projicere, sed per laborem Marrinariorum levantur à Mari, & ponantur in Navii, vel batello, & sic in vasi ducantur ad terram & non tanguit terram alicujus per trahimironem nec alio quovismodo non possunt wreccum, sed sunt tantummodo de adventuris Maris de quibus nullus potest aliquid clamare nisi salvatores, & Dominus Rex concessit libertatem percipiendi hujusmodi adventuras. Et petit judicium pro Domino Rege. Et prædictus Petrus, & alii non possunt hoc dedicere. Et ideo consideratum est quod prædicta vina remaneant Domino Regi (salva salvatoribus parte sua) & Petrus, & alii in misericordia pro falso clamore. Postea unum de prædictis delictis concessum fuit prædicto Priori pro LX^s. de parte sua & de XXX^s. residuis respondet Domino Regi.

Rot. de St. Cleere, Johan. de Frothingfield & al. Justiciarius inhabit. Insulus Gersey & Gerasey, &c. anno. 2. Ed. 3.

Whence we are to observe, that all findings, or things floating in *alto Mari*, and consequently the main Sea, or Channel it self, belonging to the King, of which those that find the same, are to have two parts of three for their share, in respect of their pains, and the other third part is due to the King.

For conclusion of that which hath been shewed already, I have thought fit to add such Presidents out of the Municipal and Common Laws of the Kingdom, marshalled together in one Body or Classis, as do affirm this, the King of *England's* Prerogative, and Sapream Jurisdiction in, and over the Seas, which being severally applied to such heads as are formerly set down, will evidently evict the truth thereof.

Bracton in his Book, *de acquirendo rerum domino* saith. *Si autem insula in mari nata est (quod raro accidit) occupantis sit & per consequens Regis propter suum privilegium.*

Bracton de acquirendo rerum domino, lib. 2. fol. 19.

The same *Bracton* affirmeth, That one of the Articles to be enquired before the Justices and Merchants was, *de purpresturis factis super dominum Regem sive in Mari, &c.*

6. R. 2. Upon an Action of Debt, the Defendant sued forth a Protection. At which time Justice *Belknap* took exception, saying, The Protection is, *quia præfessus est super Mare*, with G. K. Admiral; and you never saw Protection allowed of, if the Party did not go out of the Legiance of the King of *England* in the parts of *Scotland*, *Gascoigne* or *France*. But the Sea is of the Legiance of the King of his Crown of *England*, wherefore it seemeth the Protection is allowable, and you never saw such a Protection allowed before this day: But afterwards an express Writ came out of the Chancery, commanding the Protection to be allowed.

6. R. 2.

A Child born upon the King's Seas is not an Alien by the Common Law.

Tempore Edw. 1. a Replevin was brought of a Ship taken upon the the Wast of *Scarborough* on the Sea, and from thence carried into the County of *Norfolk*, to which *Mutford* took two exceptions, one because no certain Town, or place was named from whence the Vifne should come; for the Wast extendeth four Leagues. Secondly, because of a thing done upon the Sea, this Court cannot have Cognizance. To which Justice *Bevesford* said, That the King will that Peace be kept as well upon the

the Sea, as upon the Land; and we find that you are come in upon due Proces, and so no cause but that should make answer.

Doctor and Student saith, That the King is Lord of the narrow Seas, as bound to scowre the Sea of Pyrates and petty Robbers, and therefore shall have wreck of of the Sea.

By the Common Law the King shall have *Flostan*, *Jestan*, and *Ligan*.

Flostan being such Goods as after Shipwrack do float upon the superficies of the Water.

Jestan are all manner of Goods that the Mariners being in danger to cast out of the Ship perished.

By *Ligan* is understood all things that are ponderous, and in Shipwrack, do sink to the ground and bottom of the Sea.

By all which Presidents it is manifest, that by the Common Law of the Land, the King is Proprietary Lord of our Seas; that the Seas of *England* are under the Ligi-
giance of the King, that the King is the Sovereign Conservator of the Peace as well upon the Sea as Land, That not only things floating on the superficies of the Water, but such as lye upon the Soil or Ground thereof, belong properly unto the King, whereupon I conclude, That, *Rex Maris imperio Domino & fundo possidet*.

And that it may appear how great a King the King of *England* is, by reason of this his Sovereignty and Dominion, it will not be amiss to take a view of the inestimable Riches and Commodities which (besides our selves) other Nations, our Neighbours do daily reap, especially by fishing in our Seas, insomuch that no Christian Prince of the World is Lord of any Territory, that (considering all Circumstances) yieldeth the like constant and general benefit; for proof whereof, I will briefly set down such Observations as others have heretofore made, and we our selves find by daily experience to be true beyond all exception.

The inestimable Riches and Commodities of the British Seas.

THE Coasts of *Great Brittain* do yield such a continual Sea-harvest of gain and benefit to all those that, with diligence, do labour in the same, that no time or season in the year passeth away without some apparent means of profitable employment, especially to such as apply themselves to fishing, which from the beginning of the year unto the latter end, continuing upon some part or other upon our Coasts, and therein such infinite shoales and multitudes of Fishes are offered to the takers as may justly move admiration, not only to Strangers, but to those that daily be employed amongst them.

The Summer fishing for Herring beginneth about *Midsummer*, and lasteth some part of *August*.

The Winter fishing for Herring lasteth from *September* to the midst of *November*, both which extend in place from *Boughones* in *Scotland* to the *Thames Mouth*.

The fishing for Cod at *Alamby Wirlington*, and *White-baven* near the Coast of *Lancashire* from *Easter* until *Whitsuntide*.

The fishing for Hake at *Aberdeny*, *Abveswich* and other places between *Wales* and *Ireland*, from *Whitsuntide* to *St. James-tide*.

The fishing of Cod and Ling about *Padstow* within the Land, and of *Severne* from *Christmas* to *Midlent*.

The fishing for Cod on the West part of *Ireland*, frequented by those of *Biscay*, *Galicia* and *Portugal*, from the beginning of *April* until the end of *June*.

The fishing for Cod and Ling on the North and Northeast of *Ireland*, from *Christmas* until *Michaelmas*.

The fishing for Pilchers on the West Coast of *England*, from *St. James-tide* until *Michaelmas*.

The fishing for Cod and Ling upon the Northeast of *England* from *Easter* until *Midsummer*.

The

The fishing of great Staple Ling, and many other sorts of Fish lying about the Island of Scotland, and in the several parts of the British Seas all the year long.

In September, not many years since, upon the Coast of Devonshire near Minigall 500 Tun of Fish were taken in one day. And about the same time 3000 pound worth of Fish in one day were taken at St. Ives in Cornwall by small Boats, and other poor provisions.

Our five-men-boats, and cobles adventuring in a calm, to launch out amongst the Holland Busses, not far from Robinhoods Bay, returned to Whitby full fraught with Herrings, and reported that they saw some of those Busses take 10, 20, 24, last at a draught of Herrings, and returned into their own Country with 40, 50, and 100 last of Herrings in one Busse.

Our Fleet of Colliers not many years since returning from Newcastle, laden with Coals about the Well, near Flamborough head, and Scarborough met with such multitudes of Cod, Ling, and Herring, that one amongst the rest with certain Ship-hooks, and other like Instruments drew up as much Cod, and Ling in a little space of time, as were sold well near for as much as her whole lading of Coal. And many hundred of Ships might have been there laden in two days and two nights.

Out of which wonderful affluence, and abundance of Fish swarming in our Seas, that we may the better perceive the infinite gain which foreign Nations make, I will especially insist upon the Fishing of the Hollanders in our Coasts, and thereby shew how by this means principally they have increased.

1. In Shipping.

2. In Mariners.

3. In Trade.

4. In Towns and Fortifications.

5. In Power extern or abroad.

6. In publick Revenue.

7. In private Wealth.

8. In all manner of Provisions, and store of things necessary.

1. Increase of Shipping.

Besides 700. Strand Boats, 400. Sullits, Drivers and Tod-boats, wherewith the Hollanders Fish upon their own Coasts, every one of those employing another Ship to fetch Salt, and carry their Fish into other Countries, being in all 3000. Sail, maintaining and setting on work at least 4000. persons, Fishers, Tradesmen, Women, and Children. They have 100. Doyer Boats of 150. Tuns a piece, or thereabouts. 700. Pincks and Well-boats from 60. to 100. Tuns a piece, which altogether Fish upon the Coasts of England and Scotland for Cod, and Ling only. And each of these employ another Vessel for providing of Salt, and transporting of their Fish, making in all 1600. Ships, which maintain and employ persons of all sorts, 4000. at least.

For the Herring season they have 1600. Busses at the least, all of them Fishing only upon our Coasts, from Boughonnesse in Scotland, to the mouth of Thames. And every one of these maketh work for three other Ships that attend her; the one to bring in Salt from foreign parts, another to carry the said Salt, and Cask to the Busses, and to bring back their Herrings, and the third to transport the said Fish into foreign Countries. So that the total number of Ships and Busses plying the Herring Fair is 6400. whereby every Busse, one with another, employeth 40. Men, Mariners and Fishers within her own hold; and the rest 10. Men a piece, which amounteth to 112000. Fishers and Mariners. All which maintain double, if not treble so many Tradesmen, Women and Children a Land.

Moreover they have 400. other Vessels at least, that take Herring at Tarmouth, and there sell them for ready Money. So that the Hollanders (besides 300. Ships before mentioned fishing upon their own Shoars) have at least 4800. Ships only maintained by the Seas of Great Britain, by which means principally, Holland being

not so big as one of our Shires of *England*, containing not above 28. Miles in length and 3. in breadth, have increased the number of their Shipping to at least 10000. Sail being more than are in *England*, *France*, *Spain*, *Portugal*, *Italy*, *Denmark*, *Poland*, *Sweden*, and *Russia*. And to this number they add every day; although their Country it self affords them neither Materials, or Victual, nor Merchandise to be accounted of towards their setting forth.

Besides these of *Holland*, *Lubeck* hath 700. great Ships, *Hamborough* 600. *Embsen* 1400. whereunto add the Ships of *Bremer*, *Biscay*, *Portugal*, *Spain*, and *France*, which for the most part Fish in our Seas, and it will appear that 10000. Sail of foreign Vessels, and above, are employed and maintained by fishing upon our Coasts. So that in *Holland* there are built 1000. Sail at least, to supply Shipwracks, and augment their store, which as the Prince, and common Nursery, is the chiefest means only to increase their number.

2. Encrease of Mariners.

THE number of Ships fishing on our Coasts as being aforesaid, 8400. If we allow but 20. persons to every Ship one with another, the total of Mariners and Fishers, amounteth to 168000. out of which number they furnish their longer Voyages to all parts of the World; for by this means they are not only enabled to brook the Seas, and to know the use of the Tackles, and Compass, but are likewise instructed in the principles of Navigation and Pylotage, insomuch as from hence their greatest Navigators have had their Education, and Breeding.

3. Encrease of Trade.

BY reason of those multitude of Ships and Mariners, they have extended their Trade to all parts of the World, exporting for the most part in all their Voyages our Herring, and other Fish for the maintenance of the same. In exchange whereof they return the several Commodities of their Countries.

From the Southern parts, as *France*, *Spain*, and *Portugal*, for our Herrings, they return Oyls, Wines, Pruynes, Honey, Woolls, &c. with store of Coin in Specie.

From the Straights, Velvets, Sattins, and all sorts of Silks, Allomes, Currans, Oyls, and all Grocery ware, with much Money.

From the East Countries for our Herrings, and other French, and Italian Commodities before returned, they bring home Corn, Wax, Flax, Hemp, Pitch, Tar, Sope-ashes, Iron, Copper, Steel, Clap-board, Wainscot, Timber, Deal-board, Dollars, and *Hungary* Gilders.

From *Germany* for Herrings, and other Salt-fish, Iron, Steel, Glafs, Millstones, Rhenish-wines, Button-plate for Armour, with other Munition, Silks, Velvets, Rashes, Fustians, Baratees, and such like Frankford Commodities, with store of Rix dollars.

From *Brabant* they return for the most part ready Money with some Tapestries, and Hullshop. Yea some of our Herring are carried as far as *Brazeile*.

And that which is more strange and greatly to our shame, they have four hundred ships with fish, which our men of *Tarmouth* within ken almost at land do vent our Herrings amongst us here in *England*; and make us pay for fish taken upon our own cost ready Money, wherewith they store their own country.

4. Encrease of Towns and Fortes.

BY this their large extent of Trade, they are become as it were Citizens of the whole World, whereby they have so enlarged their Towns, that most of them within these four hundred Years are full as great again as they were before; *Amsterdam*, *Leyden*, and *Midleburgh* having been lately twice enlarged and their Streets, and Buildings so fair, and orderly set forth that for Beauty and Strength, they may compare

compare with any other in the World, upon which they bestow infinite Sums of Money, all originally flowing from the bounty of the Sea, from whence by their labour and industry they derive the beginning of all that wealth and greatness, and particularly for the Havens of the aforesaid Towns, whereof some of them cost 40, 50, or 100000 £. Their Fortifications also both for number and strength, upon which they bestowed infinite Sums of Money, may compare with any other whatsoever.

5. Encrease of Power abroad.

Such being then the number of the Ships, and Mariners, and so great their Trade occasioned principally by their fishing; they have not only strengthened, and fortified themselves at home to repel all forrein Invasions, as lately in the War between them, and *Spain*, but have likewise stretched their power in the *East* and *West-Indies*, in many places whereof they are Lords of the Sea Coasts, and have likewise fortified upon the Main, where the Kings, and People are at their Devotion. And more then this, all neighbour Princes in their differences, by reason of this their power at Sea, are glad to have them of their party. So that next to the *English*, they are now become the most redoubted Nation at Sea of any other whatsoever.

6. Encrease of publick Revenue.

Moreover how mighty the publick Revenue, and Customs of that State are increased by their fishing, may appear in that above thirty Years since, over and above the Customs of other Merchandise, Excises, Licenses, Waftage, and Lastage, there was paid to the State for Custom of Herring and other Salt-fish above 300000 £ in one Year, besides the 10th fish, and Cask paid for waftage, which cometh at least to as much more among the *Hollanders* only, whereunto the 10th of other Nations being added it amounteth to a far greater Sum.

We are likewise to know that great part of their fish is sold in other Countries for ready Money, for which they commonly export the finest Gold and Silver, and coming home Recoin it of a baser alloy under their own Stamp, which is not a small means to augment their publick Treasure.

7. Encrease of private Wealth.

As touching their private wealth, if we consider the abundant store of Herrings, and other fish by them taken, and the usual prices they are sold for, as also the multitude of Tradefmen and Artizans, that by reason of this their fishing are daily set on work; we must needs conclude that the gain thereof made by private Men must of necessity be exceeding great, as by observing the particulars following will plainly appear.

During the Wars between the King of *Spain*, and the *Hollanders* before the last Truce, *Dunkirk* by taking, spoiling, and burning the Busses of *Holland*, and setting great Ransome upon their fishermen, enforced them to compound for great Sums that they might fish quietly for one year, whereupon the next year after the fishermen agreed amongst themselves to pay a Dollar upon every last of Herrings, towards the maintenance of certain Ships of War, to waft and secure them in their fishing, by reason whereof there was a record kept of the several lasts of Herrings taken that year, and it appeared thereby that in one half year there were taken 30000 lasts of Herrings; which, at twelve pound per last, amounteth to 3600000. and at 16, 20, 30 £ the last they are ordinarily sold, then transported into other Countries it cometh at least to 5000000 £. Whereunto if we add the Herrings taken by other Nations, together with the Cod, Ling, Hake, and the fish taken by the *Hollanders*

and other our neighbours upon the *British* Coasts all the year long, the total will evidently arise to be above 100000000.

The great trade of fishing employing so many Men, and Ships, at Sea, must likewise necessarily maintain as great a number of Tradesmen, and Artizans on land, as Spinners, Hemp-winders to Cables, Cordage, Yarn-twine for Nets and Lines, Weavers to make Sail Cloaths, Cecive Packers, Tollers, Dressers, and Couchers to sort, and make the Herring lawful merchandize. Tanners to tan their Sails and Nets, Coopers to make Cask, Block, and Bowle makers for Ships, Keelemen, and Labourers for carrying, and removing their filh, Sawyers for planks, Carpenters, Shipwrights, Smiths, Carmen, Boatmen, Brewers, Bakers, and a number of others, whereof many are maimed persons and unfit to be otherwise employed. Besides the maintenance of all their several Wives, and Children, and Families. And further every Man and Maid-servant, or Orphant having any poor Stock, may venture the same in their fishing Voyages which affords them ordinarily great increase, and is duly paid according to the proportion of their gain.

8. Encrease of provision.

AN.D. to conclude it is manifest that *Holland* only affording in it self some few Hops, Madders, Butter and Cheefe, aboundeth notwithstanding (by reason of this Art of fishing) in plentiful manner with all kind of provisions as well for life, as in Corn, Beef, Muttons, Hides, and Cloaths, as for luxury in Wines Silks, and Spices, and for defence as in Pitch, Tar, Cordage, Timber. All which they have not only in competent proportion for their use, but are likewise able from their several Magazines to supply their neighbour Countries.

The premises considered it maketh much to the ignominy, and shame of our *English* Nation, that God and Nature offering us so great a Treasure, even at our own Doors, we do notwithstanding neglect the benefit thereof, and by paying Money to Strangers for the filh of our own Sea, impoverish our selves to make them rich. Insomuch that for want of industry, and care in this particular 225. fisher Towns are decayed and reduced to extream poverty, whereas on the contrary by diligent endeavouring to make use of to great a blessing, we might in short time repair these decayed Towns of the Kingdom, and add both Honour, Strength, and Riches to our King and Country, which, how easily it may be done, will appear by some few observations following.

By erecting two hundred and fifty Busses of reasonable strength, and bigness there will be employment made for a 1000. Ships, and for at least 10000 Fishermen and Mariners at Sea, and consequently for as many Tradesmen and Labourers at Land.

The Herrings taken by the Busses will afford his Majesty 2000000 yearly Custom outward, and for Commodities returned inward 3000000 and above.

We have timber sufficient, and at reasonable rates growing in our own Kingdom for the building of Busses, every Shire affordeth hardy and able Men, fit for such employment, who now live poorly, and idle at home.

We have Victuals in great plenty sold at easie rates without payment of Excises, or Impost.

Our Shoars and Harbours are near the places where the fish do haunt.

For Drink, or Nets, Salting, and packing our fish, and for succour in strefs of weather, we may bring our fish to Land, salt and pack it, and from some parts of his Majesties Dominions be at our Markets in *France*, *Spain*, or *Italy*, before the *Hollanders* can arrive in *Holland*.

We have means to transport our fish into some *Northern* Countries, where the *Hollanders* seldom or never come. And though we had as many Busses as the *Hollanders*, yet there is vent for all, or more, for in the *East* and *Northern* Countries, and in many other places, Herrings are every daies meat. Winter and Summer, as well to draw on drink as to satiscie hunger, and in most places the greatest part of the year

year they be scarce to be had, for presently after *Michaelmas* the Sound and Rivers are frozen up, so as no Herrings can be transported into several Kingdoms, and free States until *July*, which is for thirty weeks space together, so that when Lent comes there are few to be bought for Money.

Lastly, since by care and industry we gained from the *Flemmings*, doubtless so by the means we may as easily grow expert in the Art of Fishing, and in time make it a staple Commodity of our own.

But this we shall the better and sooner do, if we consider, and endeavour to reform certain wants and abuses which hitherto have hindered us from effecting that good, and great work, whereof these that follow are none of the least.

1. General liberty of eating flesh contrary to old Customs, and the Statute Laws provided for observing Fish days, from whence our scarcity and dearth of fish proceedeth, for where flesh is ordinarily spent fish will not be bought, and want of sale decayeth all trade, gain being the nurse of Industry.

2. Want of order and discretion in our fishing, every Man being left to himself, and permitted to fish as best liketh him: Whereas amongst the *Hollanders*, two of the best experienced Fishermen are appointed to guide the rest of the fleet, all others being bound to follow them, and to cast their lines according to their direction.

3. The *Hollanders* and other Nations set forth with their Busses in *June* to find the shoal of fish, and having found it, dwell amongst it till *November*, whereas we stay till the Herring come home to our road heads, and sometimes suffer them to pass by ere we look out, our Herring fishing containing only seven weeks at the most, and theirs twenty.

4. The *Hollanders* Busses are great and strong, and able to brook foul weather, whereas our Cobles, Crayers and Boats being small, and thin sided, are easily swallowed by a rough Sea, not daring to adventure far in foul weather by reason of their weakness for fear of storms.

5. The *Hollanders* are industrious, and no sooner are discharged of toding, but presently put forth for more and seek for Markets abroad as well as at home, whereas our *English* after they had been once at Sea, do commonly never return again until all the Money taken for their fish be spent, and they in debt seeking only to serve the next Market.

6. The *Hollanders* have certain Merchants who during the Herring season do only come to the places where the Busses arrive, and joyning together in several Companies, do presently agree for the lading of 30 or 40. Busses at once, and so being discharged they may speedily return to their former Shipping; whereas our fishermen are uncertain of their Chapmen, and forced to spend much time in putting of their fish by parcels.

These and other defects would carefully be taken into consideration, and certain orders made to make our fishing prosperous, and successful, especially considering the careful mischiefs, the neglect hereof hath brought to the King and Kingdom in general, and to many good Towns, and Corporations in particular, as by authority even of Parliament it self in the Statute of 33. *Hen. 8.* is plainly testified, which I have summarily here set down to avoid the prolixity of the original.

Because the *English* fishermen dwelling on the Sea Coasts did leave off their trade of fishing in our Seas and went the half Seas over, and thereupon the Seas did buy fish of *Pickards*, *Flemmings*, *Normans*, and *Zelanders*, by reason whereof many incommodities did grow to the Realm, viz. the decay of the wealth and prosperity as well of the Cinque Ports, and Members of the same, as of other Coast Towns by the Sea side, which were builded, and inhabited by great multitudes of people by reason of using and exercising the craft and feat of fishing. Secondly, the decay of a great number of Boats and Ships. And thirdly, the decay of many good Mariners both able in body by their diligence, labour, and continual exercise of fishing, and expert by reason thereof in the knowledge of the Sea Coasts, as well with-
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in this Realm, as in other parts beyond the Seas. It was therefore enacted that no manner of persons *English, Denizens, or Strangers*, at that time, or any time after dwelling in *England*, should buy any Fish of any Strangers in the said Ports of *Flanders, Zeland, Picard, France*, or upon the Sea between shoar and shoar, &c.

1. Mar. Ch. 14.

This Act by many continuances was continued from Parliament to Parliament, until the first of *Queen Mary*, and from thence to the end of the next Parliament, and then expired.

For conclusion, seeing by that which hath formerly been declared, it evidently appeareth that the Kings of *England* by immemorable prescription, continual usage, and possession, the acknowledgment of all our Neighbour States, and the Municipal Laws of the Kingdom have ever held the Sovereign Lordship of the Seas of *England*, and that unto his Majesty, by reason of his Sovereignty, the Supreme Command and Jurisdiction over the passage, and fishing in the same rightfully appertaineth; considering also the natural state of those our Seas that interpose themselves between the great *Northern Commerce* of that of the whole World, and that of the *East, West, and Southern Clymates*, and withall the infinite Commodities that by fishing in the same is daily made. It cannot be doubted but his Majesty, by means of his own excellent Wisdom and Vertue, and by the Industry of his faithful Subjects and People, may, without Injustice to any Prince or person whatsoever, be made the greatest Monarch for Command and Wealth, and his people the most opulent and flourishing Nation of any other in the World. And this the rather, for that his Majesty is now absolute Commander of the *British Isle*, and hath also enlarged his Dominions over a great part of the *Western Indies*; by means of which extent of Empire, (crossing in a manner the whole Ocean) the trade, and persons of all Nations, (moving from one part of the World to the other) must of necessity, first, or last, come within compass of his power, and jurisdiction.

And therefore the Sovereignty of our Seas being the most precious Jewel of his Majesties Crown, and (next under God) the principal means of our Wealth and Safety, all True *English Hearts and Hands* are bound, by all possible means and diligence, to preserve and maintain the same, even with the uttermost hazard of their Lives, their Goods and Fortunes.

F I N I S.

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